

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DONNA DEITRICK,	:	Civil Action No. 4:06-CV-01556
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
MARK A. COSTA, et al.,	:	(Magistrate Judge Arbuckle)
	:	
	:	
Defendants.	:	

ORDER

April 9, 2015

BACKGROUND:

The undersigned has given full and independent consideration to the October 28, 2014 report and recommendation of Magistrate Judge William I. Arbuckle, III (ECF No. 376) regarding the motion for partial summary judgment filed by Defendants Vanessa (Long) Yoncuski, Linda Long, and Robert Yoncuski (collectively “Defendants”) (ECF No. 161). The Defendants have filed objections to that report and recommendation. (ECF Nos. 386, 387).

The Defendants’ objections have been reviewed under the applicable *de novo* standard. Defendants’ objections did not specifically respond to the legal analysis of Magistrate Judge Arbuckle, but rather simply repeated, nearly verbatim, the same arguments proffered in their motion for partial summary judgment.

Because this Court agrees with Magistrate Judge Arbuckle's analysis and is unpersuaded by the Defendants' objections, the Court will not rehash the sound reasoning of the magistrate judge and will adopt the report and recommendation in its entirety.

To the extent the Defendants raised a new argument in their objection and brief in response to the report and recommendation, that argument is unpersuasive. Defendants make a single discernable new arguments: that current binding precedent should "be refined to exclude the value of testimony of an owner who claims to have a specific basis for the opinion but refuses to disclose it with any specificity." (ECF No. 387). In making this argument, the Defendants present a faulty premise. Contrary to their assertion, Deitrick has provided a basis for her valuation of the property (ECF No. 197-2), and therefore the Court rejects this objection.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. United States Magistrate Judge William I. Arbuckle' s Report and Recommendation is ADOPTED in full. (ECF No. 376).
2. Defendants' Motion for Partial Summary Judgment is DENIED. (ECF No. 161).
3. The action is remanded to Magistrate Judge Arbuckle for further proceedings.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge